

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PHELIX H. FRAZIER, SR.,)
)
Petitioner,)
)
vs.) **No. 4:03CV1060-SNL**
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)

ORDER

On May 9, 2006 petitioner filed motion for relief from judgment or order pursuant to Rule 60(b)(6). The Court denied petitioner's request for relief on October 6, 2006. Petitioner's motion for leave to file an appeal of that order was denied as untimely on August 29, 2007 (#34). That decision was affirmed by the Court of Appeals on November 20, 2007 (#40).

On December 17, 2007 petitioner filed "Motion for Relief From Judgment or Order Pursuant to Rule 60(b)(6), Fed.R.Civ.P." (#41). On examination of the new motion, the Court finds that it is almost identical to the motion filed May 9, 2006. Since the Court has ruled on this request earlier, the new motion should be denied.

IT IS THEREFORE ORDERED for the reasons cited herein that petitioner's "Motion for Relief From Judgment or Order Pursuant to Rule 60(b)(6), Fed. R. Civ. P. (#41) is **DENIED**.

Dated this 4th day of January, 2008.



SENIOR UNITED STATES DISTRICT JUDGE